

Text Amendment Application No. 61A
Advisor to the Zoning Commission
Group care residences, limited

TO THE ZONING COMMISSION
OF THE CITY OF BOSTON:

The Advisor to the Zoning Commission hereby petitions to amend the text of the Boston Zoning Code, as established under Chapter 665 of the Acts of 1956 as amended, as follows:

1. By inserting below clause (22A) of said Section 2-1, as proposed by Text Amendment Application No. 61, the following clause:

(22B) "Group care residence, limited", premises licensed, regulated or operated by the Commonwealth of Massachusetts, or operated by a vendor under contract with the Commonwealth, for the residential care or supervision (but not custodial care) in any single building of not less than five or not more than twelve mentally ill, mentally retarded or physically handicapped persons, plus resident staff.

2. By inserting below proposed Use Item No. 7A of Table A of Section 8-7 the following use item:

7B Group care residence, limited, as defined
in Section 2-1, clause (22B) A*A*A*/A*A*/CFF

*Provided that no other limited group care
residence is within 2,000 feet of such facility.

3. By inserting at the end of the second sentence of Section 14-2, respecting lot area per dwelling unit, the following:

; and further provided that a limited group residence as defined in clause (22B) of Section 2-1 shall be deemed to constitute one dwelling unit.

4. By inserting in Section 23-1, respecting off-street parking requirements for residential uses, in the enumeration of use items, after the number 7A the following number:

7B

5. By inserting in Section 24-1, respecting off-street loading requirements, in the listing of "Group 1 Uses", following the number 7A the following number:

7B

Petitioner: Advisor to the Zoning Commission
By: _____
Address: City Hall - 9th Floor
Boston, Massachusetts 02201
Tel. No.: 722-4300, ext.
Date: _____

MEMORANDUM

September 8, 1977 - public hearing; taken
under advisement

October 13, 1977 - resubmitted

TO: BOSTON REDEVELOPMENT AUTHORITY
FROM: Robert F. Walsh, Director
SUBJECT: ZONING TEXT AMENDMENT - GROUP CARE RESIDENCES, LIMITED

On August 18, 1977, the Authority authorized the Advisor to the Zoning Commission to petition said Commission for an amendment to the text of the Boston Zoning Code which would establish and define a new use item, "group care residence, general", and make the use a conditional use in all but heavy industrial and waterfront industrial districts, where it would be forbidden.

The Authority deferred until after a public hearing, held September 8, any action on the other part of the original proposal, which would have created a "group care residence, limited" use item for the care of the mentally ill, mentally retarded or physically handicapped, provided that the residence be limited to twelve, plus resident staff, and also provided that the residence was licensed, operated, or otherwise sanctioned by the Commonwealth.

This use would be allowed in residential and business districts provided that it was not within 2,000 feet of another group care residence, conditional in light manufacturing districts, and forbidden in heavy and waterfront industrial districts. The 2,000 feet is an increase from 1,500 feet in the distance between such facilities, in order to prevent clustering.

The insertion of the new use item numbers into sections dealing with off-street parking and loading requirements is strictly a mechanical requirement, as all use items must be so inserted.

I recommend that the Advisor to the Zoning Commission be authorized to petition said Commission for an amendment to facilitate the establishment of small, family-like, well supervised group care residences for the mentally and physically handicapped (Text Amendment Application No. 61A) as soon as the appropriate agencies of the Commonwealth of Massachusetts have commenced negotiations on a cooperation agreement with the Director. The cooperation agreement will include but not be limited to:

- (1) an agreement by such agencies to make direct payment or require vendors to make direct payment in lieu of taxes to the City in instances where the establishment of such group care residences removes properties from the City tax base;
- (2) an agreement by such agencies not to establish any limited group care residence until the agency involved has given reasonable notice to the Boston Redevelopment Authority, as the City's planning agency, of the proposed location of such facility and the BRA has solicited and considered neighborhood opinion regarding the location of the facility; and further, that the state agencies undertake reasonable best efforts to respond to concerns raised by the neighborhood;
- (3) ways to improve the administration, management, and supervision of limited group care facilities which are to be located in the City, incorporating to the extent possible the recommendations of the City Department of Health and Hospitals.

VOTED: That the Boston Redevelopment Authority hereby authorizes the Advisor to the Zoning Commission to petition said Commission for an amendment to the text of the Boston Zoning Code as proposed by Text Amendment Application No. 61A, which would establish and define a new use item, "group care residence, limited", in substantial accord with the attached petition, but only when and if the appropriate agencies of the Commonwealth of Massachusetts have commenced negotiations on a cooperation agreement with the Director. This vote is conditioned on the provision that the 2000 foot limit shall not be reduced. *

*amendment